

# **CHURCH BUILDINGS COUNCIL**

## **Casework policy and precedents January 2022**

### **Context**

The policies and precedents set out below have all arisen from casework considered by the Council at its recent meetings. They show how it has approached various policy matters and practical questions and are recorded by the Council to guide future decisions.

They are published for the information of Diocesan Advisory Committees, and for the benefit of parishes considering changes to buildings. They help to indicate how the Council will approach matters and the matters that the Council will consider in forming its advice.

Decisions over proposals for works to a church building are taken according to the framework of the Duffield Questions as modified by the Court of Arches over Penshurst (See <http://www.churchcare.co.uk/churches/guidance-advice/making-changes-to-your-building/duffield-question>). The purpose of the questions is to assess if a proposal will cause harm to a building and, if the answer is yes, if the harm is justified by the need for the proposed works.

In the context of a church building due regard must be had to the church as a centre of worship and mission. Benefits to the worship and mission of the church can be used to show need for works that cause some degree of harm to the building.

Although few cases considered by the Council will proceed to a hearing in open court, where the use of this framework is maybe most obvious, it informs how the Council approaches matters that are referred to it.

Some of the principles below will already be familiar. They are included both for completeness and to demonstrate the Council's support for them. Names of parishes that are included indicate the casework considered by the Council that gave rise to the precedent

## **1. Process issues**

### *Timing of consultations*

The Council is keen for consultation to happen at a time when its intervention can be well received and make a useful contribution to the evolution of proposals. It strongly discourages consultation that will cause delay at a late stage. E.g. *Purley, St Mary the Virgin (Diocese of Oxford)*

### *Options appraisals*

Where a parish has a range of ways of achieving its outcomes an options appraisal is a valuable tool. It will show what the parish has considered, and why it has chosen the way forward that it has. It will also assist consultees and save time making the case separately to each consultee. E.g. *Kineton, St Peter (Diocese of Coventry), Great Billing, St Andrew (Diocese of Peterborough)*

## **2. Churchyards and archaeology**

### *Disturbing human remains*

The Council advises strongly against disturbing human remains without compelling justification. E.g. *Titchfield, St Peter (Diocese of Portsmouth)*

### *Disturbing archaeology*

A compelling justification is needed to justify the likely harm that would be caused by disturbing archaeology. E.g. *Bedale, St Gregory (Diocese of Leeds)*

## **3. Churchyards and trees**

### *Significance of historic trees*

Care must be taken over the impact of new works on trees of historic significance, taking account of the impact of a new building and also the impact during works. Attention should be given to the root protection area and mitigation clearly explained for works with an impact within it. If the outcome can be achieved without impact on significant trees the Council would encourage it. E.g. *Whittington, St Philip and St James (Diocese of Worcester)*

## **4. Churchyard monuments**

### *Cast iron gravemarkers*

It is rare for the Council to be asked for advice on new memorials. The Council noted that cast iron is a traditional material for grave markers, with greater prevalence in some parts of England than others. It noted that surface weathering forms part of their character and advises careful consideration of the finish with regard to setting and future maintenance (*Frant, St Alban (Diocese of Chichester)*).

## **5. Split sites**

Where a church is operating from more than one location and crossing a road needed to make an activity work, maybe to go to a toilet or for a Sunday School

room, the Council will support finding ways to put provision in one place to avoid crossing the road during an activity. E.g. *Teddington, St Mary with St Alban (Diocese of London)*. An earlier example, tested in court, is *Bassingbourne, St Peter and St Paul (Diocese of Ely)*

## **6. Equal access**

### *A shared entrance for all users*

Equal access provisions should allow a similar experience of the building to all users, ideally all using an entrance in common. At *Stinchcombe, St Cyr (Diocese of Gloucester)* the Council supported proposals for a new main entrance to improve access. The Council strongly discourages the use of a secondary entrance with an inferior experience of the place for level access. E.g. *Winchester, Holy Cross (Diocese of Winchester)*

### *Floor levels – equal access*

The Council strongly encourages not introducing a new change of level in an otherwise level floor. If a raised area is newly provided it should be accessible. E.g. *Beverly Minster (Diocese of York)*

### *Justification for disturbance of historic fabric*

Where adequate access cannot reasonably be achieved in any other way, disturbance and alteration of an historic opening might be justified. Any such proposal would need to demonstrate, via an options appraisal, that other solutions had been considered and weighed up on the basis of impact on significance. E.g. *Wycliffe, St Mary (Diocese of Leeds)*; *Purton, St Mary (Diocese of Bristol)*

### *New build (including extensions)*

The Council considers that the need to provide equal access cannot be outweighed by the constraints of the space available. It will look carefully at the benefit of a second floor, given that the need to provide equal access will take away from the space available on both floors of an extension. (E.g. *Kineton, St Peter (Diocese of Coventry)*).

### *Changing places toilets*

For a church of great prominence with high visitor numbers the Council will encourage consideration of providing a Changing Places toilet. E.g. *Hull Minster (Diocese of York)*

### *Alternate tread stairs*

The Council will not support proposals for alternate tread stairs in church buildings. This is based on Building Regulations Approved Document K which permits alternate tread stairs only in loft conversions in a domestic setting where the user is familiar with the stair. Furthermore, this type of stair requires the user to have good eyesight and a reliable alternate gait, meaning they cannot be used by everyone. E.g. *Ashen, St Augustine (Diocese of Chelmsford)*.

## **7. Church building fabric**

### *Demolition after fire damage*

The Council strongly advises the retention of viable historic material following a fire. E.g. *Ropley, St Peter (Diocese of Winchester)*

### *Demolition of a church under faculty*

Faculty Rules allow that a church can be demolished under faculty provided that another church, or part of a church, will be erected on the site or curtilage of the church in question. In these circumstances the new building can be built under faculty. E.g. *Blackburn, St Gabriel (Diocese of Blackburn)*

### *Alternative roofing materials*

The Council has generally encouraged the use of metal for roofing when this is the traditional material for a listed building based on longevity of the new material and its performance in a historic building. Although like-for-like replacement is nearly always preferred it has not stood in the way of alternative metal roof materials. E.g. *Enderby, St John the Baptist (Diocese of Leicester)*. The Council has guidance published [here](#).

The Council has taken a strong line against using flashing as a roofing material. E.g. *Eastry, St Mary the Blessed Virgin (Diocese of Canterbury)*

### *Floor levels*

Proposals to raise floor levels can be a good solution for some churches as part of a proposal for equal access or to enable installation of underfloor heating without disrupting existing surfaces. The Council will want to be sure that the proposed new level is well-chosen, and not producing a new problem elsewhere, and that it works architecturally and acoustically with the building. The Council discourages schemes that remove level access at the entrance. E.g. *Swindon, Christ Church (Diocese of Bristol)* and *Shepton Mallett, St Peter and St Paul (Diocese of Bath and Wells)*

### *Floors – engineered floors*

The Council strongly prefers new floors to be a bespoke solution for the building, and to avoid being bland. For this reason, it is unlikely to advise in favour of an engineered floor, especially in a historic setting. E.g. *Tanworth in Arden, St Mary (Diocese of Birmingham)*

### *Floors – finishes and coverings*

The Council normally advises that carpet is not appropriate flooring material in the context of a listed church building. With the exception of historic carpets that add significance to a building, where carpet is in place it encourages its removal. E.g. *Harwell, St Matthew (Diocese of Oxford)* and *King's Cliffe, All Saints (Diocese of Peterborough)*. There is guidance published [here](#).

When some decorative detail with a clear link to the history of the building is present the Council encourages its retention in a modern floor where the detail does not conflict with the desire for the new floor to be level. E.g. *Blackheath Park, The Ascension (Diocese of Southwark)*

### *Roofs - Introducing a ceiling*

The Council advises that care is taken to understand the environmental conditions in the church before a ceiling is inserted and to monitor it after

insertion. Particular care is needed over the space above the ceiling and below the roof. E.g. *West Grinstead, St George (Diocese of Chichester)*.

#### *Loss of historic fabric*

When a proposal includes the loss of historic fabric the Council will look carefully at the liturgical or missional benefit and the specific needs put forward to support the loss. It will consider if the same benefits could be achieved through less damaging alterations. E.g. *Dore, Christ Church (Diocese of Sheffield)*

#### *Reversibility as justification*

The fact that an intervention is reversible is not, of itself, sufficient to justify it, when it will undermine the quality or significances of the building where it is placed. E.g. *Lombard Street, St Edmund (Diocese of London)*

#### *Extensions*

The Council will carefully consider the need for an extension according to the strength of the statement of needs and the scope for accommodating in the church building the facilities proposed for the extension. Where a church building is of high significance the impact of introducing new facilities to it may cause considerable harm making an extension preferable. Ideally such an extension would not impact on the principle views of the church. E.g. *Great Tew, St Michael and All Angels (Diocese of Oxford)*

#### *Extensions – location*

The Council encourages extensions to use an existing opening, and secondarily to reopen a previous opening if this can provide for an extension in a suitable location. E.g. *Grappenhall, St Wilfrid (Diocese of Chester)*

#### *Extensions – towers*

The Council is generally content to see proposals for extensions in the space between a tower and a nave (for example), it is not enthusiastic about extensions that wrap around towers. E.g. *Heydon, Holy Trinity (Diocese of Chelmsford)*

#### *Glazed porch as meeting room and draft lobby*

The Council encourages careful consideration of a draught lobby inside the church where the building can accommodate it. If this can be achieved it will prefer glazed doors to the draft lobby. It advised against a proposal to use a porch as an access route and a meeting room. E.g. *Aylsham, St Michael (Diocese of Norwich)*

## **8. Church building – energy production and use**

#### *Installation of PV panels*

The Council supports the use of solar panels on churches. E.g. *Edlingham, St John (Diocese of Newcastle)*. The Council's wider guidance is available [here](#).

#### *Enclosed buildings within churches*

The Council supported proposals for a well-insulated enclosed room within a larger church that was capable of being heated for a relatively low energy input. This is to enable winter use in a building where cold was a hindrance to mission. E.g. *Preston, All Saints (Diocese of York)*

### *Use of energy*

For proposals for new heating the Council will challenge proposals for carbon-based heating and ask the parish should show that it has considered lower carbon forms of heating and chosen its heating as being the most appropriate bearing in mind the need to work towards net-zero carbon by 2030. If the heating is carbon-based it will ask that it is capable of being converted to a low-carbon heat source. E.g. *Ockbrook, All Saints (Diocese of Derby)*, *Great Bookham, St Nicolas (Diocese of Guildford)*. The Council will question proposals that will reduce the level of natural light available in a building. E.g. *Oxford, St Aldates (Diocese of Oxford)*.

### *Proposals for secondary (or double) glazing to help achieve net-zero carbon*

The [Practical path to net zero carbon](#) states that standard secondary glazing to the main windows of a church should not normally be given as it can be inefficient, expensive and cause damage. The Council is more sympathetic to secondary glazing in ancillary rooms, and supports the advice in the Practical path to net zero. E.g. *Water Orton, St Peter and St Paul (Diocese of Birmingham)*.

## **9. Church building – ordering**

### *Chancels*

Chancels will nearly always form a focal point of a building and will often be furnished with better quality furnishings than the nave and merit a more carefully considered approach than the nave. The Council will express concern over proposals that leave a chancel unused following reordering schemes or those that don't take account of Chancel furniture that is richer than that elsewhere in the building and part of the character of the space. E.g. *Staveley, St James (Diocese of Carlisle)*, *Rayleigh, Holy Trinity (Diocese of Chelmsford)*.

The Council agrees that the chancel position of the altar should not be dismissed because of theological irrelevance. E.g. *Fullwood, Christ Church (Diocese of Sheffield)*

### *Chancel screens*

When it is proposed to move a screen the Council will strongly prefer a new location that continues a liturgical function and maintains its visibility. Any such change should be preceded by recording and needs an exceptionally strong case. E.g. *Stevenage, St Nicholas (Diocese of St Albans)*

### *Flexible space for worship and other uses*

The Council takes due regard of a church as a centre of worship and mission and has consistently supported proposals it believes aid these activities. In doing this it will look carefully at the justification for flexible space as set out in the statement of needs and will expect a stronger justification for proposals with the largest impact. E.g. *Donisthorpe, St John the Evangelist (Diocese of Leicester)*

### *Choice of flooring materials*

The parish should be asked to take environmental considerations into account in the choice of flooring material. E.g. *Nailsea, Christ Church (Diocese of Bath & Wells)*.

### *Insertion of new floor or a gallery*

As with other significant intrusions into a building the Council will carefully consider the impact of the proposal against the benefits. The quality of the space created either side of the new floor will be considered. Proposals for a new floor or gallery have the potential to create a ground floor room with little or no natural light. The Council encourages designs that will enable some natural light to reach beneath a gallery. E.g. *Chevening, St Botolph (Diocese of Rochester), Twydall, Holy Trinity (Diocese of Rochester)*

### *Nave dais*

The Council prefers straight edges to raised areas on the basis that it is easier to predict where the edge will be. E.g. *Newport Pagnell, St Peter and St Paul (Diocese of Oxford)*.

### *Reorientation*

Proposals to reorientate the church at will have a significant impact on the interior. The Council has accepted this where this is significant benefit and the proposals work architecturally with the building. E.g. *Chichester, St Pancras (Diocese of Chichester)*

### *Seating*

The Council strongly prefers chairs with traditional seats for the good reasons stated in its [seating guidance](#). It gives considerable weight to the impact of proposed new seating on the character of a building and expects to see a strong case made for any variation from its policy. (e.g. *Purton, St Mary (Diocese of Bristol)*). The Council noted that lower back support is a relevant consideration in the choice of seating. E.g. *Gaulby, St Peter (Diocese of Leicester)*

Where a pewing scheme in a church is of good quality, contributes to our understanding of a church and is part of a wider reordering scheme, the Council will give weight to this in considering proposals for reseating in the church. E.g. *Bodicote, St John the Baptist (Diocese of Oxford)*

### *Relocation of medieval pews*

Where it is reasonable to do so the Council will consider relocating significant historic pews within a church to a place that will not hinder the parish achieve its needs. E. g. *Cropwell Bishop, St Giles (Diocese of Southwell and Nottingham)*

### *Substantial new non-liturgical furnishings*

The Council is agreeable in principle with a non-liturgical justification for a substantial new furnishing mainly for the wider use of the church, and not primarily for worship. E.g. *Orford, St Bartholomew (Diocese of St Edmundsbury & Ipswich)*

### *Glazed screens – visual performance*

The Council will consider carefully the impact of glazed screens, especially of full height glazing. It discourages large reflective surfaces where they have potential to be distracting and will encourage an approach that will reduce the scope for uninterrupted reflection. E.g. *Swarkeston, St James (Diocese of Derby)* and *Clarendon Park, St John the Baptist (Diocese of Leicester)*

### *Glazed screens – acoustic performance*

Where glazed screens are used to offer acoustically separated spaces capable of use at the same time the Council will seek assurance that the acoustic performance will deliver what is needed. For large areas of glazing it will ask about the impact on the acoustic performance of the spaces, in particular in relation to organ music and band lead worship. E.g. *Nottingham, St Thomas (Diocese of Newcastle)*

### *Location of toilets*

The Council strongly appreciates that toilets provided in churches need to be accessible. It strongly encourages equal access provision accessed from within the building. For example, at *Wellow, St Julian (Diocese of Bath and Wells)* it recommended a new opening in a significant tower wall in preference to external access. It considers occasions where external access is recommended to be rare. An example where this has happened is *Orlingbury, St Mary (Diocese of Peterborough)*. Here a portaloos had been in use for several years, and the proposal for an accessible toilet is an improvement on the current provision. The modest scale and high quality of the church interior made any insertion of an accessible toilet difficult.

### *Electric glass screens*

The Council has no in-principle objections to Electric glass screens for projection provided that the glass is non-reflective, able to be cleaned with well-detailed fixing arrangements. E.g. *Hurstpierpoint, Holy Trinity (Diocese of Chichester)*

### *Interpretation*

As a preference the Council will encourage interpretation within the building, near the matter that is being interpreted. It discourages providing an interpretation facility separate to what is being explained. E. g. *Hull Minster (Diocese of York)*

## **10. Church Buildings – heating**

The Council has published guidance on [heating](#). This sets out the benefits and possible drawbacks of a range of approaches to heating. The Guidance shows that underfloor is beneficial for buildings in frequent regular use. It encourages careful thought about the extent of use that the building will receive to inform a decision over heating. E.g. *Westhampnett, St Peter (Diocese of Chichester)*

The Council does not accept a heating level of 19 degrees C as a background ambient temperature. It also noted that care should be taken to manage the temperature difference between the outside and inside of the building, to avoid too great a difference, especially in cold weather. (e.g. *Dunholme, St Chad (diocese of Lincoln)*)

## **11. Church furnishings – relocation**

### *Markers for intramural burials*

There are various forms of marker of intramural burials. These are usually ledger stones, tombs, effigies, mural memorial tablets. When it is known that the marker is still associated with its burial the Council will usually advise that it remains in

situ. Where it can be demonstrated that the grave marker is no longer close to its burial, proposals for relocation will be assessed on their merits. The Council will take note of whether proposals restore its original location or place the marker in a place where it is protected from accidental harm. Proposals should be preceded and informed by a survey and assessment of the relevant physical and documentary evidence which, in the case of ledger stones, should be in line with advice from the Ledger Stones Survey of England and Wales (<http://www.lsew.org.uk/recording/>). Invasive survey will not normally be justified. E.g. *Bedale, St Gregory (Diocese of Leeds)*, *Bath Weston, All Saints (Diocese of Bath and Wells)*, E.g. *Stevenage, St Nicholas (Diocese of St Albans)*.

## **12. Church furnishings - restoration**

### *Treatment of historic bell-frame*

The Council would strongly advise retention of a historic bell frame. It encourages keeping it in service when it does not result in significant loss of historic material. E.g. *Faversham, St Mary of Charity (Diocese of Canterbury)*

### *Replacement of historic bells*

The Council strongly encourages that historic bells are kept at the church they are associated with and in use at the church insofar as this is possible with producing a ring that will meet the needs of the ringers. In principle – especially when an historic ring of bells has not been tuned in modern times – the historic and cultural significance of the sound of the bells should be properly assessed and valued.’ E.g. *Richmond, St Mary Magdalene (Diocese of Southwark)*

### *Tuning listed bells*

The Council’s *Code of Practice* for work to bells and bell frames strongly discourages tuning listed bells in all but the most exceptional circumstances. The Council consistently advises against tuning listed maiden bells, and nearly always advises against tuning any listed bells. Where it has made a rare exception, it has been where the proposals are part of a scheme that has overall conservation benefits in a tower with more than one listed bell. E.g. *Broadwell, St Peter and St Paul (Diocese of Oxford)*

### *Remounting brasses*

The Council advocates remounting brasses in the existing stone when it exists. There is no clear conservation benefit from the use of wood. E.g. *Outwell, St Clement (Diocese of Ely)*

### *Revealing earlier decorative schemes*

There are many situations where the Council is cautious about uncovering artworks, removing later works to reveal earlier ones, not least as uncovering could risk loss of what remains or reveal something that was covered with good reason. It has occasionally encouraged revealing a previous decorative scheme due to the quality of the concealed work, a good chance of a successful outcome, a stronger link to the church for the earlier work and, if relevant, a named designer. E.g. *New Windsor, All Saints (Diocese of Oxford)*

### *Electronic organs in pipe organ cases*

The Council advises against siting loudspeakers for electronic organs in pipe organs. It also considers that a pipe organ console is not appropriate for

rebuilding for an electronic organ as each is a distinct instrument in its own right. E.g. *Guiseley, St Oswald (Diocese of Leeds)*

### **13. Church furnishings – disposal**

#### *Sale of Silver*

The Council advises that sale of treasures should only occur in exceptional circumstances – usually a financial emergency. Particular weight is given to the strength of association of the treasure with the church and its liturgical use. See [here](#). E.g. *Dunterton, All Saints (Diocese of Exeter)*

#### *Removal of pipe organ*

The Council accepts that some organs will be removed. When the organ merits it, it prefers schemes where there is a secure future for the organ, usually in a new home. The grounds put forward for the removal must be sufficient to justify the loss. E.g. *Dore, Christ Church (Diocese of Sheffield)*

#### *Disposal of objects not considered treasures*

When an object cannot reasonably be considered a treasure, the Council may take note of its treasure's guidance in forming advice, but will not apply the tests as strictly. E.g. *Cranbrook, St Dunstan (Diocese of Canterbury)*

#### *Furnishings that become redundant*

Where retention of furnishings is included in a reordering the Council is keen that the furniture will have a purpose. Without a purpose it is more likely to be found to be in the way and subsequently disposed. E.g. *Hurstpierpoint, Holy Trinity (Diocese of Chichester)*.

### **14. Church furnishings – new art**

#### *New Art*

New art should have had a rigorous commissioning process and there should be clear theological and/or liturgical content. E.g. *Knaresborough, St John (Diocese of Leeds)*

The Council does not support removing existing art of quality to make way for a new commission. E.g. *Mansfield, St Peter and St Paul (Diocese of Southwell and Nottingham)*

This is expressed in the Council's [new art guidance](#)

### **15. Church furnishings – contested heritage**

#### *Removal of items of contested heritage*

The Council does not object in principle to the removal of items of contested heritage after an appropriate consultation period with the involvement of community stakeholders, as well as a robust Statement of Significance and Needs. There is a presumption against destruction, and where removal is required, an

appropriate location must be found for the item before it is removed. E.g. *Cambridge, Jesus College Chapel, Tobias Rustat memorial (Diocese of Ely)*

The council supports the relocation of memorials to a museum or archive setting, where there is greater opportunity for their interpretation, for example in the context of enslavement, and for the parishes to continue their missional activities. E.g. *Dorchester, St Peter & Holy Trinity (Diocese of Salisbury)*

## 16. Wider use

### *Use of a lease for substantial developments*

The Council advises that a lease is appropriate for substantial developments that support the mission of the church. E.g. *Wigmore, St James (Diocese of Hereford)*

### *Church Development Plans*

There is a Council policy that a Church Development Plan should be employed as a framework for analysis for complex projects where long term sustainability will be challenging to achieve. E.g. *Abbeydore, Holy Trinity & St Mary (Diocese of Hereford)*

### *Consultation of Diocesan Education Advisors for parishes seeking to provide facilities for regular use by a school*

The council will ask for consultation between the Diocesan Education Advisor and the PCC on facilities for regular use by a school. This engenders links between education expertise and parishes, to enhance the provision for schools in our church buildings. E.g. *Goodleigh, St Gregory (Diocese of Exeter)*